

The cry of the Oppressed

BY REASON OF

N 103.

FALSE MEASURES:

OR,

1029.e 6

A DISCOVERY

12

OF THE TRUE

S. S.

K.

Standard-Gallon

OF

ENGLAND;

What it is, when, and by whom made,  
and where it ought to be found.

By which, the Affizes of Wine, Ale, and Corn, are  
to be justly known, according to the proportions they  
bear to the Standard-Gallon.

This Standard being not known to the Commissio-  
ners and Farmers of the Excise of Beer, and Ale, in London, &c.  
As appeareth by their Non-observances of the Affizes of  
Beer and Ale, giveth a just occasion of the Brewers  
third Grievance complained of to the Parliament.

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*Linea recta est tam mensura /us quam obliqua.*

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London, Printed in the year, 1659.



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# To the right Honourable the Committee of PARLIAMENT for ~~the~~ *In support*

Right Honourable!



Alse Weights and false Measures are an abomination unto the Lord: So Solomon that O. ask of wisdom, and ~~his~~ *his* Justice, Prov. 11. ver. 1. If ~~as~~ *as* in the Hebrew; a Stone and a Stone, an Ephah and an Ephah, a Hin and a Hin, or a Gallon and a Gallon be an abomination unto the Lord; Surely then they must be abominated by your Honours who are the Lord's people. Unum pondus & una Mensura sit per totum Regnum nostrum: So saith Old Malaga Charte, who doth see the Great Charter for heaven say the same, Deut. 25. ver. 13, 14, 15. Thou shalt not have in thy bag divers weights, a great and a small, thou shalt not have in thy house divers measures, a great and a small, but thou shalt have a perfect and just weight, a perfect and just measure that thou have. Worthy Sirs! That the Brewers of London should be gauged, by the Gallon containing 272 Cubicall-Inches, which is the Corn-Gallon, ~~and~~ *and* instead to sell their Ale and Beer by another, viz. the Ale Gallon containing 288 Cubicall-Inches, their loss being thereby in the Excise 7000l per annum: Surely this must needs be ~~aged~~ *aged* by all men a very horrid oppression (except it be by the Commissioners and farmers of Excise, who have vowed to judge for their own profit, although it be to the ruina of all the good people of the Nation) especially when as the Brewers by this pretended over-measure gain nothing, but lose the Principall. But as it must not be thought that our Supreme Magistrat can do any wrong; or that ~~the~~ *the* revenue is so mean, as to bee augmented by the farmers raving; so it cannot be ~~imagined~~ *imagined* but that the intention of ~~the~~ *the* Parliament was always so honourable, that they never meant that the Officers of the Excise should detempe with the Brewers by a measure so contrary to the established practise; which were to bring a snare in a moment upon all the Subjects of this Nation: much less can we ever conceive, that ever a Parliament which is the Fountain of Justice, should so far Patronize injustice, as to confirm such an oppression by a Law, in full assurance therefore that your Honours will grant us relief in this particular, we crave leave to subscribe our selves your Honours most humble and faithfull servants, ~~and~~ *and* the farmers Vassalls.

*how*

S. S. J. W. J. B.



The true Assize of Beer and Ale ; asserted, maintain-  
ed, and proved by the Statutes, Old Assize-books,  
and generall practice of Artists.



T is the just Complaint of the Brewers, that the Gagers of the Commissioners and Farmers of Excise, do not observe the Assize of Beer and Ale according as they are commanded to do by the Ordinance of the Lords and Commons in Parliament, made September the 11. 1643. Article XXIII.

Because they do not Gage the Brewers by the right Standard-Gallon, as appeareth by these Statutes following.

First, the Ordinance, for Measures made in *Incertis temporibus*, and Printed amongst the Statutes made the XVIII. *Annæ Edw. 2.* by the consent of the whole Realm of England the Measures of our Sovereign Lord the King are made, viz. An English Penny, called a Sterling, round and without clipping, shall weigh 32 Wheat-corns, in the midst of the Ear, and XXd shall make an Ounce, and 12 Ounces one pound, and 8l shall make a Gallon of Wine, and 8 Gallons of Wine shall make a bushel London, which is the eighth part of a Quarter.

Note that by the Old Law these are the weights and Measures of the Realm.

By the Act made 12 Hen. 7. Cap. 5. these Weights and Measures in the Ordinance aforesaid are enacted to be Standards in *hec verba*; Wherefore the King our Sovereign Lord, by the assent of the Lords Spiritual and temporall, and the Commons in Parliament assembled, and by the Authority of the same. Ordaineth, Establisheth, and Enacteth, That the Measure of the Bushel shall contain 8 Gallons of Wheat, and that every Gallon shall contain 8 pound of Wheat of Troy-weight, and every pound shall contain 12 Ounces of Troy-weight, and every Ounce shall contain 20 Ster-

lings, and every Sterling shall be of the weight of 32 Corns of Wheat that grow in the midst of the ear, according to the Old Law of the Land: And that is pleased the King's Highness to make a Standard of a Bushell, and a Gallon after the said Assize, to remain in his Highness's Treasury for ever.

Which Old Law is the Ordinance above.  
The Standard of England.

So that it appears plainly that the Wine-Gallon is the Standard-Gallon.

First, for that the Wine-Gallon is expressed in the Ordinance for Measures aforesaid; of which this Act of 12 Hen. 7. Cap. 5. is but a confirmation.

Secondly, for that it agreeth exactly with the 8l of Wheat of Troy-weight, as will appear by an easie experiment; a pound of Wheat of Troy-weight filling exactly the Wine pinte.

Thirdly, for that it is the least of Gallons, and therefore the very Exemplar by which all Measures are to be made, both of dry things as Corn, &c. And Liquid things, as Ale and Beer according to the proportions they bear to it self:

Fourthly, for that it measures all things measurable whatsoever.

First, it measures all Liquids whatsoever; as Sope, Oile, Strong-Waters, Cider, Perry, Metheglin, Honey, Wines of all sorts, &c.

Secondly, Ale and Beer, with a respect to the diversity of the Liquors. The which diversity will be made appear plainly by this discourse following: And the reason of the diversity.

Thirdly, All sorts of drie things as Corn, &c. with a respect to the diversity of the said dry things, the dry things lying hollow in the Bushell, the which being shaken, will sink down to Wine measure, therefore its but reasonable that the Measures of dry things should be made with the proportion of 28 to 33. Their hollownes in the Measure making that diversity from the Wine Measure.

And doth not Roger de Hugden in his *Annals*, pars posterior, page 774 affirm as much saying. *Assisa de Mensuris*, facta per Richardum Regem Anglie Anno 1198. Constitutum est, quod omnes Mensura totius Anglia sint ejusdem quantitatatis, tam de Bladiis, quam de leguminibus & rebus consimilibus; Mensura etiam vini & cervisie & cunctorum liquorum sit ejusdem quantitatatis, secundum diversitatem liquorum; Pondera & libra, & cetera Pessia sint ejusdem quantitatatis, in toto Regno Secundum diversitatem. *Mercuriarum*: Is not the pound Troy, and the pound Averd-

Averdupois, one and the same weight in effect; Onely the over weight of the Averdupois is allowed for the garble and filth that is in the Merchandise and other things that is weigheth, so that abstracting the garble and filth that is in the commodity, the thing it self is but the Troy weight. Is it not so between the Wine Measure and the Ale Measure; is not the Ale Gallon bigger by the one fifth part then the Wine, because of its foulness in working, yest, and frothing, so that in effect abstracting the yest of bottom and top, there remains nothing but Wine-Measure: About 40 years after, by the Statute of 23. Hen 8 cap. 4. it was Enacted, That every Barrel of Beer shall contain 36 Gallons, every Kilderkin 18 Gallons, every Firkin 9 Gallons of the Kings Standard Gallon.

And that every Barrell for Ale shall contain 32 Gallons, every Kilderkin 16 Gallons, &c. of the King's Standard-Gallon: So that they shall be of good and just measure, or else above, and not under.

And it is further Enacted by the said Authority, that every Barrell for Sape empty shall contain 31 Gallons & above, and to be in weight 26 pounds and not above, of full and just measure and not above: and every half Barrell empty, &c.

Note the Sape Barrell is made exactly by the Wine Gallon.

The same Act of the 23 Hen. 8. further provideth, and explaineth what is meant by those words, 36 Standard Gallons or above (towards the end of the 4 Cap. of that Act) It is Enacted, that every Cooper which shall hereafter make any the Vessells specified in the said Act, shall from the Feast of Pentecost next coming make every such Vessel according to the Assize specified in the Treatise called Compositio Mensurarum, v. z. Every Barrell for Ale to contain 32 Gallons of the said Assize, or above, Of which 8 Gallons make the Common Bushell to be used in this Realm: Every Kilderkin 16 Gallons, &c.

So that this Proviso must either conclude the body of the Act, or explain the Act it self, so as to make it appear, by what Gallon the Brewers Barrells are to be made.

True it is, there was made in Hen. the 7<sup>th</sup> time, a Standard-Bushell, and a Standard Gallon, according to the Assize for dry things, as Corn, &c. By which the Bushells and Gallons of Market Towns was to be sized and made. There was likewise made at the same time the common Bushell all which Measures are at this day in the Exchequer. This common Bushell is bigger then the Standard-Bushell for Corn by one 18<sup>th</sup> part, so that it holds 8 Gallons according to



288; and not according to 272 Cubicall-Inches, 8 Gallons of which make the Standard Bushell for Corn, &c. So that the Coopers Barrells are to be made according to the Gallon containing 288; Cubicall Inches, of which 8 Gallons make the common Bushell to be used in this Realm. So that by the Standard-Gallon in the body of the Act cannot be meant the Gallon containing 272 Cubicall-Inches: So as to that Gallon this *Proviso* doth not conclude the body of the Act.

32 2. This *proviso* explaineth what is meant by the *Standard-Gallon* in the Body of the Act. And necessarily concludeth the *Wine-Gallon*, to be the *Standard-Gallon* there mentioned: for this Common-Bushell is the same with the *Winchester-Bushell*: The which Bushell Holdeth ~~an~~ Ale-quarts, or *Winchester-quarts*. And it is the same with that Bushell mentioned in the 11 Hen. 7. cap. 4. Which there is called the Water or Liquid Measure. The which Water-measure is to contain five pecks of the *Standard*, raised and stricken; that is five pecks Wine-measure; so that it appeareth by that Statute, that the Wine-Gallon is the *Standard-Gallon*. For that 10 Gallons Wine-measure, make 8 Gallons Water-measure, which is the Common-Bushell, or *Winchester-Bushell* used in all places, throughout this Realm, on the Water, or Ship-board, So that it concludeth the Statute, and explaineth what is meant by the *Standard-Gallon*, in the body of the Act. viz. The Wine-Gallon by which the Coopers barrells are to be made. As appeareth. 23. Hen. 8. cap. 4. But yet with a respect to the assize, specified in the treatise called *Compositio mensurarum*. Which Treatise is now not to be found (*Tempus edax rarum*) hath swallowed it up. But the Assize is still kept up by tradition of the Coopers in their Scantlings for their barrells, their Scantlings for Beer and Ale, being nothing but an Addition of a fifth to Wine-measure; which is called Ale-measure, and by some *Winchester-measure*.

Mr. Newton grants the Wine-Gallon to contain 231 Cubicall Inches.

Now all the Artists in London do agree; That the Wine-Gallon contains 231 Cubical Inches, or thereabouts, to which if you add a fifth. viz.  $57\frac{1}{2}$ , it makes  $288\frac{1}{4}$  Cubicall Inches; which is the Content of the Ale Gallon. And these 288; Cubicall-Inches agreeth punctually with the Coopers scantlings. And this agreeth likewise with the Ale-quart, which is the quart part of the Ale-Gallon.

The which Ale-quart is mentioned in 1<sup>o</sup> Jac. Cap. 9. Where it is enacted that the Inn-keeper, Ale house-keeper, or Vintner, shall



not sell less than one full Ale-quart of the best Beer or Ale for a penny. This Ale-quart likewise is mentioned in the Statute of the Pillory, Made 51 Hen. 3. Where it is enacted, that when a quarter of Barley is sold for 2 shilling, then four quarts of Ale shall be sold for one penny. This Ale quart is at this day in the Exchequer; and it is one fourth bigger then the Wine-quart, this Ale-quart by the consent of all Artificers, doth contain 72 ℥. which is the fourth part of 288; which is the content of the Ale-Gallon by which the Victualler ought to receive his Ale and Beer, and by which he must sell the same. This, all the books of Assize call the Ale-measure, and sometimes *Winchester-measure*; and this Ale-quart, or Ale-measure was made one fifth bigger then Wine, because of it's foulness in working, yeast and froathing, as Mr. Powell speaks in his book of Assize.

The Gallon by which Mr. Lyon gageth the Brewers Tuns, is not the Wine-Gallon, therefore not the Standard mentioned in the Act, therefore not the Standard of England, for it holds as he himselfe affirms, 272 Cubicall-Inches, which is bigger then the *Standard-Gallon* by 41 Cubicall-Inches and less then the Ale-Gallon by one eighteenth part. This Gallon was never used for the Ale-Gallon, until Mr. Lyon but a Novice in the Art of Gaging, mistaking the *Standard-Gallon*, took that for the Ale Gallon, which was made for no other end but to be a measure by which the bushels to measure corn, should be made; for if that were the *Standard-Gallon*, as Mr. Lyon by a mistake so calleth it, and the Commissioners and Farmers in their answer do affirm and asser to be; then all Bushells and Gallons of Towns Corporate, which do not agree with it, ought by the Act of the 12 of Hen. 7. cap. 9. to be broken. So that then likewise the Wine-Gallon it self must be broken, because it containeth 41 Cubicall-Inches less then the Corn-gallon, which Mr. Lyon calleth the *Standard-Gallon*. The mistake of which Corn-Gallon for the *Standard-Gallon* occasioned learned M. Oughtred to affirm the Ale-Gallon to contain but 272 Cubicall-Inches, and that contrary to the opinion of M. Gunter, M. Goodwin, M. Reynolds, M. Bond, and all the ancient and late Artificers and Mathematicians of England. For as learned Mr. Graves Professor of the *Mathematicks* in the University of Oxford, in his Treatise of *Dynamics* observeth; That there are three Standards in this Nation the Standard of the Tower which agreeth with the Wine-Gallon, the Standard of *Winchester* which agreeth with the Ale-Gallon, the Standard of the Exchequer which agreeth with the Corn-Gallon. So Accu-

M. Lyon is the Gager generall to the Farmers.

rate Mr. *Phillips* in his late Treatise of Gaging of Vessells observeth that there are in use 3 sorts of Measures; The measure for Wine being 231 Inches, the measure of drie things as Corn, &c. being about 272 Inches, and the measure for Beer and Ale being about 288 Inches; the proportion between these three Gallons he observeth to be 28 33.35. And so concludes the proportion between the Wine and Ale-Gallon to be as 4 to 5. The which he proveth by the London Coopers Scantlings for a Beer barrell after this manner.

The Diameter at the head ——— 19 Inches 9 parts

The Diameter at the Bung ——— 23 Inches 0 parts

The Length is ——— 27 Inches 4 parts

Which being cast up yields ——— 36 Gallons and 140 parts over, according to 288; ——— So that the Beer-barrell agreeth exactly with the Rule of Proportion aforesaid between the Wine-Gallon, and the Ale-Gallon, which is as 4 to 5. The said M. *Phillips* concluding that the Rule of Proportion of 4 to 5 agreeth very well with the Coopers and Brewers, who are most concerned herein, and woud not willingly lose so much over-measure as Mr. *Ongbired* and Mr. *Lyons* Rules intimate, but would rather if they had any truth in them, be ready to follow them for their own advantage for thereby the Cooper would save his Timber, and the Brewer his over-measure.

These are to certifie that the Brewers Tunns ought to be gaged by the Coopers sealed beer barrells, being accounted but 36 Gallons &c. so the Gallon to contain 288 Inches three quarters: This we Artificers and Gagers testifie under our hands.

<i>John Reynolds</i>	<i>Thomas Thoreslie,</i>	<i>Robert Hulbert,</i>
<i>Henry Bond,</i>	<i>Sammuell Warr,</i>	<i>John Jennings,</i>
<i>Charles Saltonstall,</i>	<i>John wale,</i>	<i>Baptist Huston,</i>
<i>Richard Cudworth,</i>	<i>Thomas Rise,</i>	
<i>John Hayes,</i>	<i>John Leeke,</i>	

It shal<sup>d</sup> Brewers must use no beer Barrell but such as are sealed at Coopers Hall; ought not then Brewers Tunns to be Gaged accordingly.

Besides the Beer being hot ready to cleane will sink being cold at least 5 per cent. ought not this to be taken into consideration.

*Psalm 12. ver. 5.* For the oppression of the poor, for the sighing of the needy: Now will I arise saith the Lord, I will set him in safety from him that would ensnare him.

# A Supplement

To the Treatise called the Cry of the Oppressed, by reason of False Measures: Or, an Answer to *John Lyon's* Remonstrance, delivered in, to the Honourable the Commissioners for bringing in the Archaes due to the Common-wealth.

*May it please your Honours,*



IN the beginning of Mr. *Lyon's* humble Remonstrance, there is a bold and Impudent falsehood offered unto your Honours, so that as the Proverb hath it, *Ex ungue Leonem*, that a Lyon is known by his Paw; So likewise, this discourse having a falsehood in the Preface of it; may justly be judged to be composed of Sophisticall fallacy, and Impudent falsity;

So that instead of commendation from your Honours, as he expects, and foolishly prays for, at the end of his Remonstrance, he ought to be severely punished for his mis-informing the Parliament, the Supream Authority of the Nation, by suggesting a notorious falsehood unto your Honor, whose Authority you represent.

In his Preface he saith in the Office at *Broad-street* in the year 1656. he found two different Gallons, The one made and placed there, and of use in that Office from the beginning of the Excise, having the *Guild Hall* mark and stamp on it; The other placed in that Office, with the name of *John Reynolds* thereon.

That these two different Gallons were placed in that Office, is not to be denied: But that that Gallon with the *Guild-Hall* mark or stamp on it, was in use to Gauge the Brewers Tunne from the beginning of that Office, or that the Brewers paid Excise by that Gallon is a notorious untruth; For that M. *Winstanley* who was the Gauger generall of that Office, and introduced that Gallon made by the *Guild-Hall* Standard, which is the same with the Exchequer Gallon, for which M. *Lyon* contends. Did never Gauge the Brewers Tunns by that Gallon, but by the Solid Cubical foot, reckoning six Cubical feet to the Beer barrell, which agrees exactly with the Gallon made by M. *John Reynolds* (an excellent Artift, and *John Lyons* master) which is the Gallon

the Brewers contend for. The which Gallon agreeth with the Coopers  
 Scantling for the Beer barrell. This agreeth likewise with the *Win-*  
*chester* or Ale quart Eight Gallons of this make the common bushel,  
 which is the *Winchester* Bushell used in this Land. As is made plainly  
 to appear, by that Treatise called the *Cry of the Oppressed*, &c. So that the  
 Exchequer Gallon was never made use of by M. *Winstanley* in that Of-  
 fice to Gauge the Brewers Tunns, or ever practised by any Artist for  
 Gauging of Ale or Beer, untill M. *Lyon* came into that Office in 1656.  
 All which M. *John Hayes* (an Artist nominated in his paper) can  
 testify.

M. *Lyon* proceeds in the commendation of himselfe, and to the justi-  
 fication of his most wicked innovated oppression, And saith. These  
 two different Gallons put him upon a further search into the Legall-  
 ty of the Gallons, then any of his predecessors did.

He saith, in his search he found by the Statute of 23. *Hen. 8. Cap. 4.*  
 That the Barrells were to contain 36. Standard Gallons, &c. And  
 further saith that he found by the Statute of the 12. of *Hen. 7. Cap. 5.*  
 That there was a Standard Gallon to remain in his Highnesses Treas-  
 ury, and therefore he, by the appointment of the Commissioners of  
*Broad-street*, did go to the Exchequer, and by that Standard Gallon  
 did exactly make this Gallon, by which he Gaugeth the Brewers  
 Tunns, and so concludes that therefore his Gallon, is the Standard  
 Gallon mentioned in the Act 23. *Hen. 8. Cap. 4.* and by which the  
 Brewers Barrells must be made, and consequently, by which their Tunns  
 must be Gauged. This is the strength of his Argument, in which your  
 Honours may observe an apparant Fallacie, as well as in his Preface  
 a notorious Falsity, his Argument is but this.

*The Gallon in the Exchequer is the Kings Standard Gallon.*  
*The Coopers Barrells must be made by the Kings Standard Gallon.*  
*Ergo, The Coopers Barrells must be made by the Exchequer Gallon.*

This is a Sillogisme in the second figure, and all Affirmatives, and  
 therefore a Paralogisme, as is another like it.

*Afinus habet Aurem,*  
*Lion habet Aurem,*  
*Ergo, Lion est Afinus.*

The Fallacie of which Argument we thus make appear unto your  
 Honours. First

First, by the Letter of the Act of the 12. of Hen. 7. Cap. 5. The Exchequer Gallon is not the Standard Gallon; for that Act doth say expressly, That 8 pound of Wheat Troy weight, shall make that Gallon according to the Old Law, which Old Law saith, *totidem verbis*, That 8. pound of Wheat of Troy weight shall make a Gallon of Wine, As by a ready experiment will easily be made appear, A pound of Wheat of Troy weight, filling exactly the Wine pint; Whereas this Exchequer Gallon holdeth above 9. pound of Wheat of Troy weight. So that according to the Letter of the Law, the Exchequer Gallon is not the Standard Gallon.

Secondly, By the equity of that Act, this Gallon M. Lion contends for, was made a Standard Gallon for drie things, as Corn, &c. And therefore according to that Assize it is made with its due proportion to the Wine Gallon, which all Artists observe to be the proportion of 28. to 32. The reason why it was there placed, was for preventing of mistake in sizing of Gallons and Bushells, which were to be sent down into Market Towns, non-inacted in a Schedule to that Act annexed, for if they should have gone to have made their Gallons and Bushells by the Wine measure, they would have been very apt to have mistaken in the true sizing of them according to the proportion of drie things to the Standard Gallon.

Thirdly, By the equity of that Act, The Standard for Beer and Ale was likewise made, and is now at Coopers Hall, and it is called the Liquid or Water measure, which is provided for by that Act of the 12. Hen. 7. Cap. 5. and the 11. of Hen. 7. Cap. 4. which is, by the express words of that Act, the proportion of 5. to 4. 10. that Statute of 11. Hen. 7. Cap. 4. Provides that the water measure, shall hold 5. pecks of the Standard rated and stricken. And this Standard Gallon for Beer and Ale is mentioned in the Statute 31. Eliz. Cap. 8. and there called the Standard Gallon, appointed and allowed for Beer and Ale; All this will plainly appear to your Honour, if you diligently read and compare the Statutes made the 11. Hen. 7. Cap. 4. and 12. Hen. 7. Cap. 5. with 31. Elizab. Cap. 8.

Object. 1. That the Statute 12. Hen. Cap. 7. doth say that all Gallons that do not agree with it shall be broken, as well those that were in the Treasury, as in all places or Towns whatsoever.

An. This must necessarily be understood of the measures for dry things, Other-

which is principally in use, must be broken. And they that use it by that Act of the 12 of Hen. 7. Cap. 5. are to be fined, & severely punished, as by the act appears; so that it's evident, it's to be understood of dry things only which are to be measured in Markets and other places.

*Object.* 2. The 23 Hen. 8. Cap. 4. Saith that every barrell for Beer, shall contain 36 Gallons of the Kings Standard Gallon or above, &c. but there is no other Standard Gallon in the Exchequer, Ergo.

*Ans.* That Statute of 23 Hen. 8. cap. 4. doth not mention the Kings Standard Gallon of the Exchequer, but only the Kings Standard Gallon, which properly is to be understood of the Wine Gallon, as aforesaid, and as that statute doth import. For that Statute doth say, that every Barrell for Soape shall contain 32 Gallons &c. Which the Coopers, who are made the Judges of the Content of all Vessels made by vertue of that Act. And to whom, by that act, the sizing and gauging of all Vessels, are committed, and for that end have sworn Gaugers and Sealers appointed. Do explain it in their Ordinance, that every Barrell for Sope shall contain 32 Gallons of the Kings Standard Gallon for Wine; and accordingly do make the Sope-vessels by that Gallon. But if it be granted, that by the Standard Gallon mentioned in the Act 23 Hen. 8. Cap. 4. Be meant the Exchequer-Gallon, for which Mr. Lyon doth so much contend, and for which if the Brewers were so selfish, as Mr. Lyon insinuates the Brewers are: Then they might likewise contend for *the same* thereby they might save in this Nation 100000*l*. per annum, for which over measure they have not one penny. But by that very Act, the Coopers are commanded to make their Barrells by the Coopers great Gallon, which agreeth with Mr. Reynold's Gallon now in Broad-street; and that by a *Proviso* at the End of that Act, whereby it is enacted that every Cooper, which hereafter shall make any vessels specified in the said Act; shall from the feast of Pentecost next coming, make every such vessel according to the Assize, specified in the Treatise, called *Compositio Mensurarum* (viz.) Every barrell for Ale to contain 32 Gallons of the said Assize or above; of which eight Gallons make the Common-bushell to be used in this Realm. Every Kilderkin 16 Gallons; which Common-bushell holds eight Gallons, according to Mr. Reynold's Gallon in Broad-street, and the Coopers great Gallon, containing 288 Cubicall Inches; as is plainly made appear in the Treatise called, *The Cry of the Oppressed*.



But Mr *Lyon* doth urge his Argument further and saith that these measures of the Exchequer were confirmed by Queen *Elizabeth*, but names no statute: And by King *Charles*, at the beginning of his Parliament which confirms the said Measures of the Exchequer, and ordains that ~~under the Statute of 15<sup>th</sup> March the shall Seal~~ *no other* any Law usage or Custome to the Contrary

Notwithstanding, Wherein he doth very much Impose upon your Honours, and doth us a great injury by concealing the truth, for that very statute doth provide, that notwithstanding any thing in that Act, the Liquid measure shall remain the same throughout the Nation which agreeth with our great Gallon as is aforesaid.

Thus We have cleared up (as we humbly conceive) the fallacy of Mr. *Lyon's* Argument. The second thing that he undertakes is to prove that we are not enforced to pay our excise by another, a thing so notorious and so often proved by all the Artists of *London*, and by the Master and Wardens of the Company of *Coopers*. That we might very well save our labour in disproving of it, which is but *alium agere*.

But lest M. *Lyon* should glory in his folly, fallacies, and falsities as we do understand hee doth. This impudent falsity wee thus disprove.

1. Whereas he saith that he tryed several barrells in several mens houses in his paper nominated, & he found several new barrells sealed, which he tryed by his Gallon, wch hold but 36 Gallons & a half, & some less, what Barrells those were, he by his rod picked out we cannot tell, for the maintenance of his sowedd an Oppression. But sure wee are as he very well knows, that the most of the Barrells in those mens houses did contain 38 Exchequer-Gallons, and so ought to do by the *Coopers* Seantlings; otherwise they are not to be sealed by the Sealers Oath, but to be broken, and the Sealer that sealed them, and that Brewer that sells by them, are punishable by the Statute, 23 Hen. 8. Cap. 4.

Secondly, he saith the Brewers in *St. Giles, & Westminster*, have cut their Gallons & made them equal to the Gallon in the Clark of the market hands in *Westminster*, which implies their Gallons were bigger before then the Exchequer Gallon. And what they have done for to preserve themselves from being ruined by his unjust Gauge: we cannot tell, but in so doing, we say they have wronged the poor, and by those small measures do grind the faces of the poor, if they have done that which Mr. *Lyon* affirms to be done by them. But M: *Lyon* must know that



the Clarke's of Markets, that seal Gallons for Ale or Beer, as they sell on  
do, & as we humbly conceive, doth not belong to them: They ought to  
size them by the Ale, or *Winchester* Quart, four quarts of which makes  
the Ale-Gallon as is made appear in the Treatise called, *The Cry of*  
*the Oppressed*. The Ale-Gallon; & the *Winchester* half-peck being all one.  
Thirdly, Whereas he doth confess that it is true which *Samuel Starling*,  
saith, that the Ale Gallon must be made by four *Winchester* or Ale  
quarts. But saith that four *Winchester* or Ale quarts agrees exactly  
with the Exchequer Gallon; We aver the contrary and say, that  
four *Winchester* quarts doth over run the Exchequer Gallon one 18  
part. So that we being come to this short issue, we do hope that this  
controverſie will by a quick and easie experiment, be made appear un-  
to your Honours, and put a period to this oppression, and clear up  
the matter for the future, and the difference of that measure, properly  
called the *Winchester*, or Liquid, or Ale measure, from that measure  
called the Exchequer, be fully understood.

M. *Lyon* concludes his Remonstrance with letters of commendation  
of himselfe, and his *quondam* Masters, and our more then Turkish or  
barbarous Patrons, saying. All which being considered by Impartiall  
ones, surely they will censure the Brewers of selfishness at the least, and  
undoubtedly they will approve of the Commissioners of Excise there-  
in, in walking and Acting by, and according to the said Standard;  
And it is hoped by the said *John Lion* that they will be so far from con-  
demning him, as that they will commend him for discharging his  
said Trust with faithfulness therein, who made (as he ought) the said  
Standard Gallon his Rule to walk by: in the said Employment. But  
we do hope and pray that (contrary to M. *Lions* Expectation) as  
your Honours have been Instrumentall in removing these hard task-  
masters; So likewise that you will not so far commend and approve  
of *John Lion*, the Introducer and Asserptor of so great an oppression;  
contrary to the practise of all Artifts; The Statutes of the Land; the  
Customs and usage of the Master and Wardens of the Company of  
Coopers, who by Law are made the Judge of the content of the Barrel;  
And that you will not onely give *John Lion* a *Quietum est* from his im-  
ployment of Gauge generall to the Commissioners in *Broad-street*;  
who first of all, he by his false representations, informations, and suggestions,  
did induce to take up this most unequal Gauge. But also that your  
Honours will be Instrumentall in bringing him principally to such  
condigne

condigne and severe punishment as to Justice shall appertain according  
as this Honourable Parliament hath declared and promised by their  
Ordinance called *Additional Instructions concerning the Excise*, made  
the 22 of February, 1646. Article the 4. And thereby your Ho-  
nours shall fulfill the Command of God, *Isa. I. 17. Learn*  
*to do wel, seek Judgement, Relieve or righten the Op-*  
*pressed, Judge the Fatherless, Plead for*  
*the Widdow.*

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